



Appeal Decision

Site visit made on 18 March 2025

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/P1940/W/24/3352952

Glenwood, Harthall Lane, Kings Langley WD4 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by FH Planning Services against the decision of Three Rivers District Council.
 - The application Ref 24/0807/FUL was approved on 22 July 2024 and planning permission was granted subject to conditions.
 - The development permitted is the construction of single storey rear extension including creation of annexe; erection of first floor to create a two storey dwelling with associated parking.
 - The condition in dispute is No 7 which states that: Immediately following the completion of this development, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following classes of Schedule 2 of the Order shall take place.
Part 1
Class A – enlargement, improvement or other alteration to the dwelling
Class B – enlargement consisting of an addition to the roof
Class E – buildings etc incidental to the enjoyment of a dwellinghouse
 - The reason given for the condition is: In the interests of the proper planning of the site and its local context and the preservation of the openness of the Green Belt and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP11, CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
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Decision

1. The appeal is allowed and the planning permission Ref 24/0807/FUL for the construction of single storey rear extension including creation of annex; erection of first floor to create a two-storey dwelling with associated parking at Glenwood, Harthall Lane, Kings Langley WD4 8JN granted on 22 July 2024 by Three Rivers District Council, is varied by deleting condition 7 and substituting for it the following condition:
 - 7) Immediately following the completion of this development, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following classes of Schedule 2 of the Order shall take place.
Part 1
Class A – Enlargement, improvement or other alteration to the dwelling
Class B – Enlargement consisting of an addition to the roof

Background and Main Issue

2. Permission has been granted for the extension of the host dwelling at Glenwood. As part of this permission permitted development rights have been removed for

Classes A, B and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order (the GPDO). The appellant wishes to have the option to undertake works covered by Class E. Therefore, the main issue is whether the condition's reference to Class E, is necessary and reasonable having regard to the Green Belt and its openness.

Reasons

3. The appeal site covers a large plot split between a garden to the front and a sizeable orchard to the rear. It contains a detached bungalow to which extensions were granted under permission 24/0807/FUL. I understand that works have not commenced under this development.
4. The appellant has directed my attention to certificates of lawfulness that have been granted by the Council regarding extensions to the host dwelling. These, should they be carried out, would enlarge the host dwelling beyond that granted by the above planning permission. As with the planning permission, they did not include any development under Class E. Mindful of the scope of the works and that certificates have been granted for them, I find that there is a more than theoretical potential for those extensions to be carried out. As such, I find that the extensions under permitted development would still comprise a fallback scheme.
5. Although the erection of buildings, enclosures or containers within the garden is likely to have an adverse effect on the Green Belt and its openness, these could already be carried out, and could be carried out should the fallback be followed. I therefore find that the risk to the Green Belt exists already. I am also mindful that the GPDO does not set out any restrictions for Class E development within the Green Belt.
6. As this risk already exists, the need to remove permitted development rights from the site would not be necessary to protect the Green Belt and its openness. Consequently, I find that it would be acceptable to vary Condition No 7 to remove the restriction to Class E permitted development.
7. Condition No 7 is not, therefore necessary and reasonable, with regard to its reference to Class E, for the purposes of protecting the Green Belt and its openness. The proposed variation of Condition No 7 would therefore comply with Policies CP1, CP11 and CP12 of the Local development Framework: Core Strategy and Policies DM1 and DM2 of the Development Management Policies: Local Development Document. These collectively, and amongst other matters, seek to protect the Green Belt, its openness and the purposes of including land within it, from inappropriate development.

Conclusion

8. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that Condition 7 should be varied, and the appeal is allowed.

Samuel Watson

INSPECTOR